IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 5643 of 2006

CMP.3737/2006 of JUDL.M.F.C.-I,ERNAKULAM
CRIME NO.240/2006 OF MULANTHURUTHY POLICE STATION

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PETITIONER/ACCUSED

SAM VARGHESE, S/O.UNNI,
KOPPARAYIL VEEDU, CHERUKOLTHARA,
CHENNITHALA VILLAGE, MAVELIKKARA.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.B.S.SWATHY KUMAR
SRI.BINDU SREEKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY D.G.P SRI P.G. THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5643/2006

DATED THIS THE 16TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is accused in crime No.240/2006 of Mulanthuruthy Police Station, for the offence punishable under Sections 302 and 307 IPC.

2. It is alleged that the petitioner had strangulated his wife on 23.7.2006 at 11.00 p.m and also put poison, insecticide, mixed with cola into her mouth, because of which she died. He overpowered his father-in-law and threw him into the well, thereby causing his death. His mother-in-law was in the neighbour's house. He went to that house and brought her near to the well. He pushed her also into the well. But she escaped from death on hanging on the pipe that was installed for drawing water. It was thereafter, that he was arrested on 27.7.2006. He remains in judicial custody. Hence this application under Section 439 Cr.P.C.

3. I heard the arguments advanced by both sides.

The investigation, in respect of the petitioner, is nearly complete. The learned Director General of Prosecution submitted that the petitioner may not be allowed to enter into the Mulanthuruthy police station limit.

4. Considering the facts that are placed before me, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Ernakulam.

(b). The petitioner shall not enter the Mulanthuruthy Police Station limit, till the completion of trial and final disposal of the Sessions Case.

(c). The petitioner shall not leave the State of Kerala, until the final disposal of the case

(d). The petitioner shall not interfere

with the investigation, or attempt to influence or threaten the witnesses or cause any hindrance to the smooth conduct of the trial of the Sessions Case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs